

APPENDIX 4-2

Zoning Information

Information for Appendix 4-2 is all hard copies no electronic copies exist.

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MAY 18 2007

Div. of Oil, Gas & Mining



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office
125 South 600 West
Price, Utah 84501

2800
(UT-070)

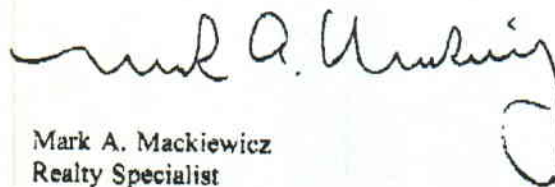
Mr. Jay Marshall
UtahAmerican Energy Inc.
P. O. Box 986
Price, Utah 84501

JAN 15 1999

Dear Mr. Marshall:

We received your letter requesting information on the post mine land use for the public land within the Lila Canyon Mine permit area. The post mine land use for this area is wildlife habitat, grazing and incidental recreation. If you have any questions please feel free to call me at 435) 636-3600.

Sincerely,



Mark A. Mackiewicz
Realty Specialist

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ENVIRONMENTAL INDUSTRIAL SERVICES

435-472-3814 • 800-641-2927 • FAX 435-472-8780 • EIS@CASTLENET.COM • 31 NORTH MAIN STREET HELPER, UTAH 84526

January 29, 1998

Bryant Anderson
Zoning Officer
Emery County Office of Planning and Zoning
Castledale, Utah 84513

Dear Mr. Anderson:

Our company is currently involved in preparing data for Chapter Four of a Mine and Reclamation Plan. The proposed mine permit area lies within Emery County and is depicted in red on the enclosed map. This map is a copy of the U.S. Bureau of Land Management, Huntington Map at a scale of 1:100,000. The general region can be described as the following sections:

Township 16S Range 14E
Sections 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 35, 36

Township 17S Range 14E
Sections 1, 12

Township 16S Range 15E
Sections 19, 29, 30, 31

Township 17S Range 15E
Sections 5, 6, 7, 8

The proposed portals will be located within the Southeast quarter of Section 15, Township 16S, Range 14E. The transportation and utility corridor is sketched in red on the enclosed map and will depart from Highway 191, Route 6, of the northeast corner of Township 17S, Range 13E, Section 1. We are interested in determining how this land is classified or zoned by Emery County. Please notify us of any additional information regarding this site and Emery County zoning laws.

Please feel free to call me at (435) 472-3814 with questions or concerns. Thank-you for your time and effort.

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Sincerely,

Allyson Traficante
Allyson Traficante
Engineer

SCALE

MAY 18 2007

NOORPO

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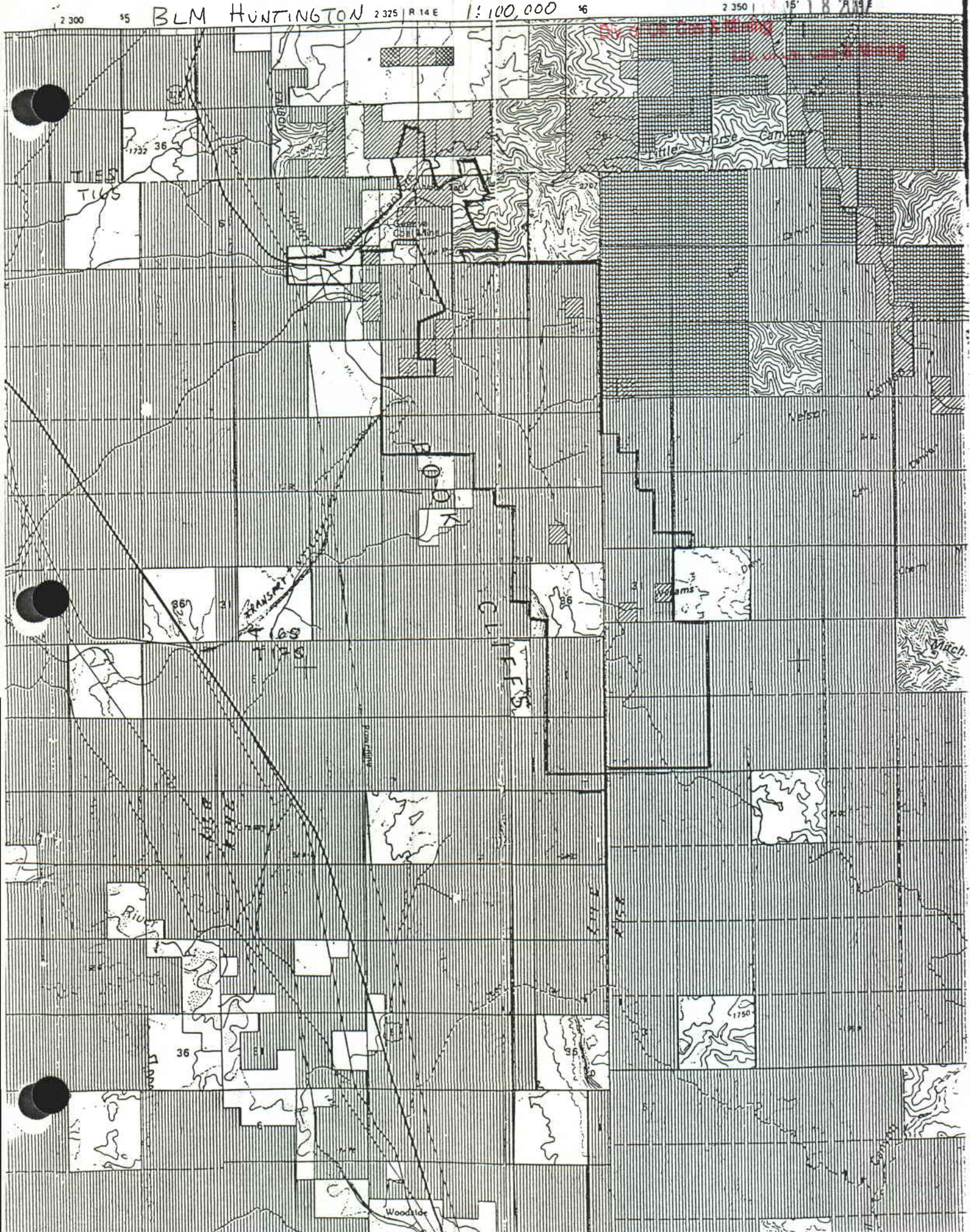
BLM HUNTINGTON 2 325 R 14 E

1:100,000 56

2 350

15

18 2007





EMERY COUNTY PLANNING AND ZONING

Bryant Anderson, Administrator

June 4, 1999

Jay Marshall
Utah American Energy Inc
P.O. Box 986
Price Utah 84501

Dear Mr. Marshall:

This letter is to confirm that the Emery County Board of Commissioners approved a Large Scale Industrial Site Plan for the Lila Canyon Mine Operation on March 16, 1999. Enclosed is a copy of the Commission Meeting Minutes showing the approval.

If you need any further information, please call our office.

Sincerely,

Bryant Anderson,
Zoning Administrator

Enclosure

Emery County Courthouse (Upstairs) 95 East Main Street - PO Box 417 Castle Dale, Utah 84513
Telephone: (801) 381-5374 FAX: (801) 381-5183

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3

Commission Meeting Minutes
March 16, 1999

forward on this project and seek funding from the State to help with the costs. The Recreation Subcommittee is doing a good job in helping the project move forward. Margaret Swasey should be commended for her efforts in this area.

(6)

PUBLIC HEARING - TO RECEIVE PUBLIC COMMENT REGARDING PROPOSED
LARGE SCALE SITE PLAN WHICH INCLUDES A COAL MINE IN LILA CANYON.

Mack Huntington, Planning Commission Chairman, informed the Commission that Utah American Energy Inc. has met with the Planning Commission staff and the Planning Commission Board and both have endorsed their large scale site plan. Jay Marshall representing Utah American Energy Inc. presented a map showing where the proposed mine would be located. Construction is scheduled to begin in the summer of 1999. The site plan encompasses forty acres of land owned by the Bureau of Land Management. Access to the mine would be by Emery County roads. Rosann Fillmore asked how many jobs would be created. Mr. Marshall stated that at full capacity the mine would employ 135 people. Tony Conder asked about the company, where the headquarters were located and if they would be a union or nonunion mine. Mr. Marshall stated that the company is owned by Robert Murray. Mr. Murray is the largest independent coal producer in the United States. The company is incorporated in the State of Utah. The mine would prefer to be union free.

(7)

CONSIDERATION AND APPROVAL OF UTAH AMERICAN ENERGY INC.'S PROPOSED
LARGE SITE PLAN.

Commissioner Ira Hatch made a motion to approve the large scale site plan of Utah American Energy Inc. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

PLANNING/ZONING REQUESTS THE SETTING OF A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENT ON SITE PLAN APPROVAL FOR A GOLD MINING OPERATION.

Planning Commission Chairman Mack Huntington informed the Commission that the Planning Commission Board has finished the preliminary work on a site plan for GoldTerra, Inc. The site plan is for a gold mining operation at the Blue Castle mine site. Mr. Huntington requested that the Commission set a date for a public hearing to receive public comment on the proposed site. Commissioner Ira Hatch made a motion to set a public hearing for April 6, 1999 at 5:30 p.m. to receive public comment on the above proposal. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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Road Department

February 23, 2000

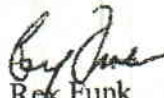
Jay Marshall
UtahAmerican Energy, Inc.
P. O. Box 986
Price, Utah 84501

Dear Mr. Marshall:

In regards to your recent inquiry, yes Emery County understands that there is a distinct probability that UEI will be performing mining and reclamation activities within a 100' distance from a County Road. This was specifically discussed during the Planning and Zoning Commission phases of your County Permit and is discovered in item seven (7) of the Agreement made between UtahAmerican Energy, Inc. (UEI) and Emery County Dated October 19, 1999.

We have no problem with this issue provided that a 6' chain link fence is installed around UEI's activities at a distance of 100' from the public road as protection from any normal hazards generally associated with your industry. If I can be of further assistance don't hesitate to call.

Sincerely,


Rex Funk,
Road Supervisor

RFVls

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Div. of Oil, Gas & Mining

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS

 **William D. Howell**
CHAIRMAN

William D. Howell
EXECUTIVE DIRECTOR



775 SOUTH CARBON AVE.
P.O. DRAWER 1106
PRICE, UTAH 84501
(435) 637-5444
FAX (435) 637-5448

April 29, 1999

Dick Manns
P.O. Box 7004
Price, UT 84501

Dear Mr. Manns:

The purpose of this letter is to request your response to a couple questions pertinent to the wilderness re-inventory. Because of the "fast track" nature of the public participation component of the re-inventory, I ask that you or your staff provide a response as quickly as possible.

Question 1: I understand that as of February 14, 1999, BLM has managed re-inventory tracts found by the field teams to possess wilderness characteristics as wilderness study areas pending a final agency decision. Is this true?

Question 2: I understand that as of February 14, 1999, BLM has reviewed, or is reviewing, all management decisions that have been made, or which are pending, to determine whether those decisions or pending decisions will result in impairment to tracts found to have wilderness qualities as a result of the wilderness re-inventory. Is this true?

Question 3: If either question #1 or #2 is true, or true in part, would you peruse your files and make available to me, all internal memoranda and, or instructional directives, issued from what ever source, that either discuss or direct such management or review?

I am aware of the demands being placed on your staff above and beyond normal duties and recognize that additional requests from the public only add to the stress that you are currently under. I apologize if the above request adds to that situation. However, the importance of the decisions are about to be made and the pace that has been set by the department have created the urgency with which I present this request.

I sincerely appreciate your prompt response to this request.

Sincerely,



William D. Howell
Executive Director

WDH:lb

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office
125 South 600 West
Price, Utah 84501

8500/1600
(UT-070)

MAY 11 1999

William D. Howell, Executive Director
Southeastern Utah Association of Local Governments
PO Drawer 1106
Price, Utah 84501

Dear Mr. Howell:

Here are the answers to the three questions raised in your letter of April 29, 1999:

Question 1: Your understanding is incorrect. BLM will not manage any of the inventory areas as wilderness study areas (WSAs) until the current statewide planning project is completed, and at that time WSA management will only apply to those areas formally established as WSAs in approved amendments to land use plans.

Question 2: Your statement is partially correct. BLM decided about 10 days ago to make a statewide list of all applications for activities within inventory areas found to have wilderness characteristics. Such activities include permits, rights-of-ways, etc., which have been approved since February 14, 1998, are pending, or may be forthcoming (according to advance information BLM may have received from prospective applicants). Such a list will enable BLM to consider actions within the inventory areas on a consistent basis statewide. On April 26, 1999, BLM field office managers were requested by telephone to compile information for this list and send it to the BLM State Office within the next few days.

Question 3: Management to be applied on inventory lands during the planning process of one of the Question-Answer items on the BLM Internet site. A copy from that site is enclosed. The only other written material regarding this subject is the memorandum of April 15, also enclosed.

Sincerely,

Richard L. Manus
Field Manager

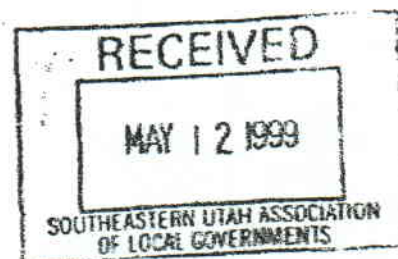
2 Enclosures

1. Q&A Reprint from Internet
2. Leshy Memo of April 15

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Div. of Oil, Gas & Mining



To: Tom Rasmussen	From: Roger Zordan
Co. Dept. 1	Co.
Phone #	Phone #
Fax # 435-636-3657	Fax #

Department of the Interior

THE SOLICITOR

WASHINGTON, D.C. 20240



BUREAU OF LAND MANAGEMENT

Memorandum

APR 15 1999

To: Utah State Director, Bureau of Land Management

From: John Leahy, Solicitor *John Leahy*

Subject: Land Use Planning and the Utah Wilderness Inventory--1999

On February 4, 1999, the BLM completed a comprehensive field examination and document review under the authority of section 201 of the Federal Land Policy and Management Act (FLPMA) regarding wilderness characteristics of certain lands in Utah (the 1999 Wilderness Inventory). On March 18, 1999, BLM began a statewide planning effort to determine whether additional Wilderness Study Areas (WSAs) should be established under section 202 of FLPMA on the public lands identified as having wilderness characteristics in the 1999 Wilderness Inventory. These events have given rise to questions regarding management standards and processes applicable to these lands, including compliance with FLPMA and the National Environmental Policy Act (NEPA).

While the planning process is being completed on lands found to have wilderness characteristics in the 1999 Wilderness Inventory, the management prescriptions of existing land management plans do not change. For example, if current land management plans have designated lands open for mineral leasing, they remain open for leasing. Management prescriptions may be changed only through amendment of the land management plans, following the procedures of section 202 of FLPMA and implementing regulations at 43 CFR Subpart 1610.

As you may recall, the Secretary of the Interior had asked the Director of the BLM on November 1, 1993 to give "careful attention" to development proposals that could limit Congress' ability to designate certain BLM areas in Utah (H.R. 1900 lands) as wilderness. State Director Matt Millenbach elaborated on this policy in his letter to Representative Hansen on March 29, 1995 by outlining the standard NEPA review and public involvement process to be followed on these lands. Attached are copies of this guidance. This same policy should continue, but the area covered should be modified to conform with public lands identified as having wilderness characteristics in the 1999 Wilderness Inventory.

Specifically, in completing its Environmental Assessment (EA) or Environmental Impact Statement (EIS) on any proposed actions within inventory areas, the BLM should address whether the approval of the proposed action would harm existing wilderness characteristics so as to negate the eligibility of the lands for wilderness designation in the future. Proposed actions may be modified by appropriate protective stipulations, relocations, or redesigns to reduce the

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effect on wilderness characteristics. If the BLM determines that the proposed action would harm wilderness characteristics so as to negate the eligibility of the lands for wilderness designation, the BLM must consider among its alternatives in its EA or EIS the no action alternative, which would preserve the land's eligibility for wilderness designation.

It is permissible to conduct the required NEPA analysis through the NEPA compliance that will accompany the plan amendment process being conducted to consider the results of the 1999 Wilderness Inventory, rather than through an action-specific NEPA process.

cc: Director, Bureau of Land Management
Associate Solicitor for Land and Water
Counselor to the Secretary Molly McUsic

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